IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.817 OF 2007

Aurochem Laboratories (India)
Pvt.Ltd., Thane .. Petitioner
V/s
Union of India & Ors. .. Respondents

Mr.Prakash Shah i/by M/s.PDS Legal for the Petitioner.
Ms.S.V.Bharucha with Mr.N.D.Sharma for the Respondents.

CORAM : DR.S.RADHAKRISHNAN &
V.C.DAGA, JJ.

DATE : 12th April, 2007.

P.C.:

1. Rule. Rule is made returnable forthwith. The learned Counsel for the Respondents waives service. By consent, the Petition is taken up for hearing.

2. By this petition, the Petitioner is challenging an order dated 11.12.2006 passed by the Additional Director General of Foreign Trade rejecting an appeal on the grund that the appeal was time barred. The learned Counsel for the Petitioner has pointed out that the Order in Original dated 6.12.2004 was received by the Petitioner only on 25.2.2005 and the appeal was immediately filed on 9.3.2005. In view thereof, the learned Counsel for the Petitioner has contended that the Appeal was very much within time. The learned Counsel for the Respondents is unable to cotrovert this contention.

3. In view thereof, only on this limited ground we set aside the impugned order dated 11.12.2006 and remand back the matter to the Additional Director General of Foreign Trade to decide as to whether the Appeal was filed within time or not. If the said authority finds that the Appeal was filed within time, then the said Authority to decide the Appeal on its own merits and in accordance with the law.

4. Petition stands disposed of accordingly.

(V.C.DAGA, J.) **(DR.S.RADHAKRISHNAN,J.)**